

E-FILED 6/24/05

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SUSANNE PALMER,

Plaintiff,

v.

I.C. SYSTEM, INC., ET AL.,

Defendants.

NO. 5:04-cv-3237 RMW (RS)

ORDER DIRECTING PLAINTIFF'S
COUNSEL TO ADDRESS MEET
AND CONFER REQUIREMENTS

Plaintiff Susanne Palmer ("Palmer") moves to compel further discovery from defendant I.C. System, Inc., and, accordingly, noticed a motion for hearing on July 13, 2005. The declaration filed by Palmer's counsel, however, fails to state that the parties met and conferred regarding defendant's amended discovery responses, which are the subject of the motion to compel, in compliance with Civil L.R. 37-1(a).¹ In contrast, defense counsel's declaration indicates that there was no meet and confer session prior to the filing of Palmer's motion. See Declaration of Andrew Steinheimer at ¶ 2. Based on the "meet and confer" requirement set forth in L.R. 37-1, plaintiff's counsel shall file a declaration, on or before June 29, 2005, clearly stating whether or not he conferred with defense counsel regarding the amended discovery responses prior to filing the motion to compel. In the event that no meet and confer session occurred, the

¹ The Declaration states only that a meet and confer session was held regarding defendant's initial discovery responses. See Declaration of Paul Arons at ¶ 1.

1 hearing on Palmer's motion to compel shall be vacated and the parties are ordered to meet and confer
2 regarding defendant's amended discovery responses. If that meeting is unsuccessful, Palmer may re-notice
3 her motion to compel in compliance with Civil L.R. 37-1.

4 IT IS SO ORDERED.

5 Dated: 6/24/05

/s/ Richard Seeborg
RICHARD SEEBORG
United States Magistrate Judge

THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER HAS BEEN DELIVERED TO:

Paul Arons lopa@rockisland.com

O. Randolph Bragg rand@horwitzlaw.com, shannon@horwitzlaw.com

June D. Coleman jcoleman@mpbf.com, mellis@mpbf.com;fwilson@mpbf.com

Mark Ewell Ellis mellis@mpbf.com, restrella@mpbf.com;npruitt@mpbf.com

Andrew Steinheimer asteinheimer@mpbf.com,
lmiller@mpbf.com;mellis@mpbf.com;vaxeman@mpbf.com

Ronald Wilcox ronaldwilcox@post.harvard.edu

Dated: 6/24/05

Chambers of Judge Richard Seeborg

By: /s/ BAK